

**REMARKS**

**Independent claims 1, 7, and 13** are, respectively, directed to an encoded symbology scanner . and scanning process, for scanning encoded symbology on a number of articles that are either similar or identical; and that includes illumination disposed to simultaneously illuminate all the encoded symbology carried by all articles. imaging that simultaneously images all the encoded symbology from all of the articles and decoding the encoded symbology images.

**Independent claim 19** is directed to an encoded symbology scanner for scanning encoded symbology on a number of identical articles and that includes imaging means that simultaneously images all the encoded symbology from all of the identical articles.

**Independent process claim 22** is directed to a process for scanning encoded symbology on a number of similar articles and that includes simultaneously imaging all the encoded symbology from all of the similar articles.

The reference to Li et al (US 5,504,319), contrary to the Examiner's comments, can only image the bar coded symbology of a single article at a time. Figure 2 of Li shows linear bar codes 122, 124 and 126 in a single image 102 (FIG 2, see column 3 beginning at line 34) captured by a single DSP 112 from a single article (package 118 or 119 –FIG 1) (FIG 2, see column 3 beginning at line 34)

The low resolution scanner of Li et al determines the location and orientation of the bar code(s) on a single article and thereafter the high resolution scanner of Li et al scans the bar code(s) on that same article as detected by the low resolution scanner for decoding (see column 2 beginning at line 60). Thus it is unquestionably clear that Li et al does and can only scan the bar code(s) on a single article at a time; and in fact requires two scans of the bar code(s) on the single article to effect decoding of the bar code(s).

There is no teaching, showing or suggestion in Li et al of imaging a number of symbology encoded articles, especially similar or identical articles, simultaneously as claimed.

The Examiner recognizes "...that Li fails to particularly teach that the barcodes are attached to a number of articles."; and in the Office Action, cites and applies Stoffel (US 5,168, 766). Stoffel, however, also does not teach, show or suggest simultaneously illuminating or simultaneously imaging encoded symbology from a number of symbology encoded articles. Stoffel's disclosure concerning use of bar codes, and imaging those bar codes, is non enabling, in that there is no description, suggestion or even a hint as to how the imaging process is accomplished. It, however, appears most likely that Stoffel images the bar codes sequentially and not simultaneously as claimed.

The Examiner also refers to Boyd; stating that "Boyd teaches that the barcode scanner (360) scans the two labels on the tubes simultaneously (see 1-3, 9; col. 17, lines 15—31)." The Examiner is respectfully urged to again read what has been cited. Lines 15-18 of column 17 of

Boyd, in fact reads "...barcode scanner 360 may be provided and mounted to scan both the sample tube barcode label and the rack ID label...". Two dissimilar articles. In addition Boyd does not teach, show or describe what information is on the rack ID label and what information is encoded on the tube barcode label.

Li et al does not show, teach or suggest any illumination means, device or step of a process as alluded to by the Examiner.

Not only has the Examiner kluged together three dissimilar references; but the Examiner must then allege that it would be obvious to one of ordinary skill in the art to combine those references to provide a device and procedure "for an enhanced system" and that it would be obvious to have that advanced system "scan the entire area of the image field for capturing the image using the CCD camera".

To the contrary all that alleged by the Examiner would not be obvious, to one skilled in the art, from the applied art, taken either individually or in any plausible combination without Applicants' teachings in this application; and it is long acceptable that such is not available for claim rejection purposes.

As set out in detail above with respect to claims 1, 7, 13, 19 and 22 neither Li et al or Stoffel or Boyd, show, teach or suggest simultaneously imaging encoded symbology from a number of similar or identical articles, each of which carries encoded symbology.

Accordingly claims 1,7,13, 19 and 22 (all the independent claims) patentably define over Li et al and Stoffel and Boyd taken either singly or in combination..

**Dependent claims 6, 12, 18, 21, and 24** depend, either directly or indirectly, from independent claims 1, 7, 13, 19 or 22 respectively and patentably distinguish over Li et al in view of Stoffel and Boyd for the reasons set out above.

More importantly these claims include additional subject matter which further distinguishes them over Li et al as well as over Li et al in view of Stoffel. and Boyd. All of these claims include that the similar or identical articles are test tubes or vials to be disposed in a predetermined array in a rack where they are simultaneously imaged.. Neither Li et al or Stoffel or Boyd teach, show or suggest articles in the form of test tubes disposed in a predetermined array in a rack for simultaneous imaging. Nor do any of the other references of record, and as such, it would not be obvious for one of ordinary skill in the art to provide “an improved and an enhanced system for decoding a plurality of barcodes attached on the each test-tube” as alluded to by the Examiner. Li et al and Stoffel image and Boyd decode the barcodes on an article one article at a time.

The only teaching of simultaneously imaging encoded test tubes in a predetermined array in a rack is in Applicants' specification and claims and such are not available for rejection of the claims.

Accordingly claims 6, 12, 14, 18, 21 and 24 patentably define over Li et al and Stoffel and Boyd taken either singly or in combination.

**Dependent claims 2, 8, and 14** depend, either directly or indirectly, from independent claims 1, 7, and 13 respectively and patentably distinguish over Li et al in view of Stoffel and further in view of Oizumi (US 5,770,848) for the reasons set out above.

More importantly these claims include additional subject matter which further distinguishes them over Li et al in view of Stoffel and Boyd and Oizumi. Oizumi also only reads the encoding of one article at a time and does so with a highly complex scanner. Oizumi's support means only receives one article at a time and images only one article at a time and not the number of similar or identical articles as claimed. Oizumi thus does not show, disclose or even suggest any combination at all of the scanner nevertheless one over which these claims would be unpatentable.

Accordingly claims 2, 8 and 14 patentably define over Li et al and Stoffel and Boyd in view of Oizumi taken either singly or in combination.

**Dependent claims 3-5, 9-11, 15-17, 20 and 23** depend, either directly or indirectly, from independent claims 1, 7, 13, 19 or 22 respectively and patentably distinguish over Li et al in view of Stoffel, and Boyd and Oizumi and further in view of Gusmano (US 5,532,845) for the reasons set out above.

More importantly these claims include additional subject matter which further distinguishes them over the four applied references.

Claims 3, 9, and 15 further include that each CCD captures encoded symbology from only a portion of the received number of similar or identical articles and that the decoder functions to assemble the decoded symbology into a stream of decoded data; while claims 4, 10, 16, 20, and

23 add that there are four CCD cameras each of which being disposed to capture encoded symbology from a quarter of the similar or identical articles so positioned; and claims 5, 11, and 17 further including that the encoded symbology is different for such similar or identical each article.

Gusmano only teaches and shows using multiple CCD's to image a single document, one document at a time; and not to simultaneously image multiple similar or identical articles each with different encoded symbology as claimed. Thus the only thing obvious is that there is no disclosure, teaching or suggestion of any combination of these references nevertheless one over which these claims would be unpatentable.

It appears that the Examiner has selected bits and pieces of prior art from five references and has kludged them together to fabricate a scanner and scanner process that could only be done in view of Applicants' disclosure and such is not available to the Examiner for that purpose.

Accordingly claims 3-5, 9-11, 15-17, 20 and 23 patentably define over Li et al and Stoffel and Boyd in view of Oizumi and further in view of Gusmano, taken either singly or in combination.

**FOR THE ABOVE REASONS CLAIMS 1-24 PATENTABLY DISTINGUISH OVER THE ART  
APPLIED THEREAGAINST, TAKEN EITHER SINGLY OR IN COMBINATION;  
ACCORDINGLY, THE EXAMINER'S REJECTION SHOULD BE REVERSED, THE CLAIMS  
ALLOWED AND THE APPLICATION PASSED TO ISSUE AND SUCH IS COURTEOUSLY  
SOLICITED.**

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